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ABSTRACT

The anecdotal literature suggests that the process of legal education impairs the maintenance of emotional well-being in law students. This study examined the emotional well-being of subjects (N=706) before, during, and after law school. Data were collected using four standardized self-report instruments including the Brief Symptom Inventory, Beck Depression Inventory, Multiple Affect Adjective Checklist, and Hassle Scale. A cross-sequential design permitted determination of longitudinal or cohort effects. The results revealed that, prior to law school, subjects expressed psychopathological symptom responses that were similar to the normal population. During law school and after graduation, symptom levels were found to be significantly elevated from those of the normal population. Elevated symptom levels increased as law students continued through law school and did not lessen in the first 2 years of practice after graduation. Further research could examine aspects of distress such as excessive workloads, high student/faculty ratios, and unbalanced development of intellectual skills at the expense of interpersonal skills. (ABL)

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PSYCHOLOGICAL DISTRESS IN LAW STUDENTS AND LAWYERS

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ABSTRACT

The anecdotal literature suggests that the process of legal education impairs the maintenance of emotional well being in law students. The purpose of this article is to present the results of a cross-sequential research design that empirically assessed the validity of this hypothesis. Data were collected, using four standardized self-report instruments (Brief Symptom Inventory, Beck Depression Inventory, Multiple Affect Adjective Checklist, and Hassle Scale), on subjects before, during law school, and after graduation. Prior to law school, subjects expressed psychopathological symptom responses that were similar to the normal population. Yet during law school and after graduation symptom levels were significantly elevated. The implications of these results are presented.

INTRODUCTION

During this decade, a 32% increase in attorneys will occur with no foreseeable dimunition in law-related jobs (Auerbach, 1984; Pye, 1982). The increase is even more significant because of its exponential effect. In our society, not only do lawyers serve as public servants but their roles extend to serving as counselors and advocates of private interests as well (Zemens and Rosenblum, 1981). Law schools, therefore, should be where lawyers learn how to cope effectively with the demands of their profession, along with the day-to-day problems of adaptive living. There is evidence, however, that the development and maintenance of the psychological well-being of law students and lawyers may be at best ignored or at worst stunted by the process of legal education.

Anecdotal literature has suggested that the process of legal education actually impairs emotional well-being in law students (Bauer, 1973; McCauley, 1982; Packer and Ehrlich, 1972; Schwartz, 1980; Schwartz, 1982; Taylor, 1975; Watson, 1979; Zemens and Rosenblum, 1981). Clearly this issue warrants substantiation, but previous empirical studies on the subject suffer from three types of methodological errors (Willging and Dunn, 1981). First, most collected data nonsystematically, episodically, or cross-sectionally and failed to separate cohort confounds, including time in the semester effects (e.g., Carrington and James, 1977; Comment, 1968; Eron and Redmount, 1957; Heins, Fahey, and Henderson, 1983; Shanfield and Benjamin, 1985; Stevens, 1973; and Taylor, 1975). Second, researchers used self-generated instruments or interviews with unknown validity and reliability to collect data. Thus, there was little basis for generalization to other law students, lawyers, or nonlegal populations (e.g., Carrington and James, 1977; Comment, 1968; Heins, et al., 1983; Stevens, 1973; and Taylor, 1975). Third, the research was plagued by unreported or poor return rates (e.g., Carrington and James, 1977; Comment, 1968; Stevens, 1973; and Taylor, 1975).

The purpose of our study was to carefully examine the emotional well-being expressed by subjects before, during, and after the formal course of legal education (Benjamin, Kaszniak, Sales, and Shanfield, in press).

METHODS

Subjects

The subjects for this study included 706 out of a possible 912 students and alumni (77% total response rate) from the University of Arizona Law School, where admission is quite competitive. Students are largely admitted on the basis of undergraduate grades and LSAT scores.

Instruments

Instruments were selected which would assess behavioral distress levels within the 15-20 minute time period provided for testing. The use of well-standardized and normal self-report instruments created greater protection against response sets, unreliable self-reports, and lack of generalizability of results. The battery of tests included the Brief Symptom Inventory (Derogatis and Melisaratos, 1983); the Beck Depression Inventory (Beck et al, 1961); the Multiple Affect Adjective Checklist (Zuckerman and Lubin, 1965); and the HASSLES Scale (Kanner et al, 1981). The Brief Symptom Inventory (BSI) data were formed into nine symptom dimensions and one global index of distress (GSI). The nine primary dimensions include: somatization, obsession-compulsion, interpersonal sensitivity, depression, anxiety, hostility, phobic anxiety, paranoid ideation, and psychoticism. The Beck data measured the state and severity of depression. We also used Multiple Affect Adjective Checklist data to replicate the extent of anxiety, hostility, and depression experienced by law students. To assist in explaining the sources and meaning of the stress law students experienced, the HASSLE Scale was included as

part of the battery. Prior research demonstrated that a simple frequency of specified HASSLES could provide a valid and reliable measurement of the general distress levels. In addition, the frequencies could be compared to those of the normative population (Kanner et al, 1981).

Procedures

The 706 law students and alumni comprised three independent cohorts of two, three, and two groups each. The cross-sequential design permitted us to determine whether any

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Insert table 1 about here

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symptom differences were influenced by longitudinal or cohort effects. Specifically, we wanted to assess development and course of distress over time, starting before law school and finishing with alumni who had been practicing for two years. To do this, we had to first assess whether the groups from different cohorts were similar to first-year, or third-year students when compared on the bases of demographic and symptom variables, as both first- and third-year groups from the different cohorts linked up all the groups. If no differences among cohorts were found, longitudinal effects would appear more valid.

RESULTS AND DISCUSSION

Before we consider the substantive findings, we need to address the concern that the results of this research might not apply to other law student populations. In effect, it could be argued that generalizability fails because of the idiosyncratic aspects of the students or the law program under study. Gee and Jackson (1982) raised this issue when reviewing the only other longitudinal study of law students. They noted the select nature of Hedegard's (1979) Brigham Young University students who were more likely to be Mormon, to be married, and to defer to authority when compared to other law students across the nation.

At the University of Arizona, however, idiosyncracies were less pronounced. The demographic characteristics, undergraduate grade point averages, and LSAT scores appeared similar to those of students at other law schools (Shaffer and Redmount, 1977). Entering classes of 130 to 150 students were selected from over 900 candidates (Marcus, 1984). Neither the admissions process nor Arizona's law school program were unusual, and similar to other law schools, the majority of its faculty acquired their legal training from the handful of prestigious law schools across the country (Fossum, 1980). Therefore, it appeared likely that our results would generalize to other populations. Let us now consider the findings about symptoms and HASSLES.

Demographic and Descriptive Variables

The demographic and descriptive variables which were cited in the previous literature as possibly affecting the distress levels of law students were included in the present study. For all groups of subjects no significant relationships were found between the global severity index of the BSI and the following variables: age; undergraduate grade point average; law school grade point average; hours devoted to studies as an undergraduate or as a law student; hours devoted to employment as a law student or as an alumni; passage of the state bar examination; and the structure of the law practice.

A few significant differences arose between men and women for some of the symptom dimensions: 1982 third-year women somaticized more than the men; 1984 first-year men expressed greater amounts of phobic anxiety than did the women; 1984 third-year women expressed higher levels of paranoid ideation than did the men; finally, alumni men registered higher obsessive-compulsive scores than did the women. These differences did not persist longitudinally; if so, the sex of subjects could have been considered an important confound. Finally, a few differing BECK results are not replicated by the BSI and MAACL Depression and Anxiety dimension scores, both of which are standardized for sex; the BECK differences can be viewed as artifactual errors due to the lack of test standardization for sex of the subject.

Symptom Variables

On the basis of epidemiological data, only three to nine percent of people in industrial nations suffered from depression (Boyd and Weissman, 1981). In comparison, our study reported 17-40 percent of law students and alumni, depending upon the group, suffering from significant levels of depression. Twenty to forty percent of the same subjects reported other significantly elevated symptoms including obsessive-compulsive behavior, interpersonal sensitivity, anxiety, hostility, phobic anxiety, paranoid ideation, and psychoticism (social alienation and isolation).

Insert Figure 1 about here

In addition to comparing our subjects' scores with normative scores, we compared first- and third-year law student symptom scores to those scores of first through fourth-year medical students. Across all symptom dimensions, except somatization and phobic anxiety, law students showed significantly elevated symptom levels (univariate - F's ranged from 13.2 to 35.16 with the probability of each of these F - scores occurring less than .0001).

Before examining the longitudinal findings, we must note that the cross-sequential design required us to determine whether the different cohorts of students used to link up the longitudinal analyses differed as groups on the demographic or symptom variables. A few differences did occur but they were due to instrument artifact, and we believe they have not affected the longitudinal analyses.

In a series of longitudinal analyses, we examined symptom levels of subjects prior to law school compared to first-year students, first-year compared to third-year law students, and third-year compared to alumni. Figure 2 typified the symptom pattern for all symptoms and for all of these groups. The univariate and multivariate tests clearly demonstrated:

1) prior to law school, subjects experienced symptom responses similar to those of the normal population, but as first-year students ,their average scores on all symptom indices changed from initial values within the normal range to scores ranging from one to two standard deviations above normative expectations;
2) the elevated symptom levels increased as law students continued through law school as third-year students; and
3) the elevated symptom levels did not lessen significantly between the spring of third year and the next two years of practice as attorneys.

Insert Figure 2 about here

What components of a legal education are associated with the elevated symptom levels? The data on HASSLES helped answer the question; as the frequency of HASSLES increased so did the levels of symptoms. This finding paralleled the finding of Kanner et al (1981).

Insert Figure 3 about here

Although substantial variability of admitted HASSLES occurred, discriminant function analyses distinguished subjects before, during, and after law school on symptoms and HASSLES. The emerging themes explained, in part, elevated symptom levels.

Compared to first-year students, subjects prior to law school felt as if they had too much time on their hands, expressed a dislike for their current work, and felt unchallenged. In sharp contrast, six months later as first-year students, most were concerned about meeting the perceived high standards of law school, and felt cramped for time. Although, interpersonal sensitivity (BSI) was the only symptom variable loaded into the discriminate function equation, the stress was so great that, univariately, every symptom dimension was significantly elevated when compared with the symptom levels of prelaw students. To alleviate the distress, first-year students cut back on sleep, relaxation periods, and their relationships with friends and relatives rather than sacrificing time away from their studies.

First-year, in comparison to third-year students, expressed significantly more concern about meeting high standards, their physical appearances, and being distant from friends and family. Third-year students, in comparison, were looking ahead and expressed more concern about not only job security and changing jobs, but also about problems on the job. Third-year students were also significantly more depressed than first-year students. No other symptom elevations were different. In part, the increased depression may be explained by the lack of time third-year students believed they had to develop and to maintain primary relationships.

Finally, alumni concerns focused on clients giving them a hard time, job dissatisfaction, decisions to change jobs, and discontent with current work duties. Third-year students were more concerned about planning meals, wasting time, not getting enough rest or sleep, and facing too many responsibilities.

Future Research

Unfortunately the HASSLES questionnaire failed to assess, or assessed only indirectly, many aspects of the legal educational process that may contribute to subject distress. Combined with suggestions from earlier literature on legal education, the current research findings suggest that the typical legal education may be associated with such detrimental effects as significantly elevated symptom levels. Future research could validate whether the following aspects remain central to the problem of distress.

1. Excessive workloads and time management problems remained at the top of the suspect list. Initially law students overworked themselves because of a perception that grades during the first year would determine future career opportunities (Crampton, 1982). The current study, however, demonstrated that this behavior continued long after first year of law school (see also Halpern, 1982; Gee and Jackson, 1982). Excessive workload and time management difficulties led to coping deficiencies which, in turn, led to distress and the cycle of experiencing or creating many more losses or hassles. Even poorer coping and greater distress followed.
2. Chronically high student/faculty ratios appeared to limit personal interactions with professional models. Carrington and James (1977) recommended increased faculty contact to ameliorate the effects of law students "emotionally and intellectually dropping out" without formally withdrawing from school (see also Bowen and Kilmann, 1975; Gregg, 1972; Hacker, 1982; and White, 1984).
3. Unbalanced development of student intellectual skills at the expense of interpersonal skills appeared to impair psychological well-being. Conventional legal education singularly emphasizes the development of analytical skills (Bauer, 1975; Eron and Redmount, 1957; Meltsner, 1983). Members of the practicing bar have, however, denounced the lack of interpersonal skills in law education, citing them as critical (Zemens and Rosenblum, 1981). As students

practice and learn interpersonal skills, the curative factors which tend to arise are likely to improve the students intrapersonal existence as well (Yalom, 1975).

Having suggested directions for future research, we still need to consider the possibility that such studies would have little applied value. This would only follow if people involved in legal education do not recognize the stress or remediate the elevated symptoms among law students. Such a grim prospect may come to pass:

> The triad of forces which shape legal education - the bar, the law students and the law faculty - have established a modus vivendi which suits their respective needs. The arrangement that has been struck is well entrenched. Pathological and politically unprogressive though it may be, it will not soon or easily be altered. Not merely lawyers are the lesser for it (Halpern, 1982, p. 394).

In addition, we realize it could be argued that the process of legal education may be entrenched for reasons other than fiscal or political realities. Bok (1983) disapprovingly recognized that the primary purpose of most law school curricula was to prepare law students for adversarial conflict rather than the gentler arts of reconciliation and negotiation. To accomplish this goal successfully, it may be necessary to create people who are more paranoid, hostile, obsessive-compulsive, etc.

Is it possible that law school could have such a pervasive socializing influence on its students? We believe the answer is yes. Etzioni (1965) established that professional schools are highly invasive institutions which exert intense control by purposely influencing beliefs, values, and personality characteristics of students. In fact, law schools appeared to be the most invasive of all graduate educations (Auerbach, 1984). Thus, it should not be surprising that law students "...learn the requirements of the system and turn themselves into the kind of people the situation demands" (Schwartz, 1980, p. 438).

A major assumption in this line of analysis, is that, for many law students, increased psychopathology is essential for the learning quality of adversarial practice skills. Unfortunately, our research does not directly address this issue nor the issue of whether elevated symptom levels are adaptive for practicing lawyers. Furthermore, we have not acquired any direct data to suggest what impact psychopathology has on the abilities of lawyers to practice in any other manner or type of setting. Finally, even if the development of elevated symptoms was shown to be a necessary component of successful adversarial practice, how would it ultimately affect the personal lives of lawyers and the quality of their work? These are significant questions that need to be addressed.

Table 1

SUBJECTS BY GROUP AND DATE TESTED

1981 (fall)	1982 (spring)	1983 (summer)	1984 (spring)
		1PRE3 n=106 →	2FRST3 n=92
1FRST1 n=115 →	2FRST1 n=108 →		3THRD1 n=119
	1THRD2 n=71 →		2ALUM2 n=95
TOTAL SUBJECTS			n=706

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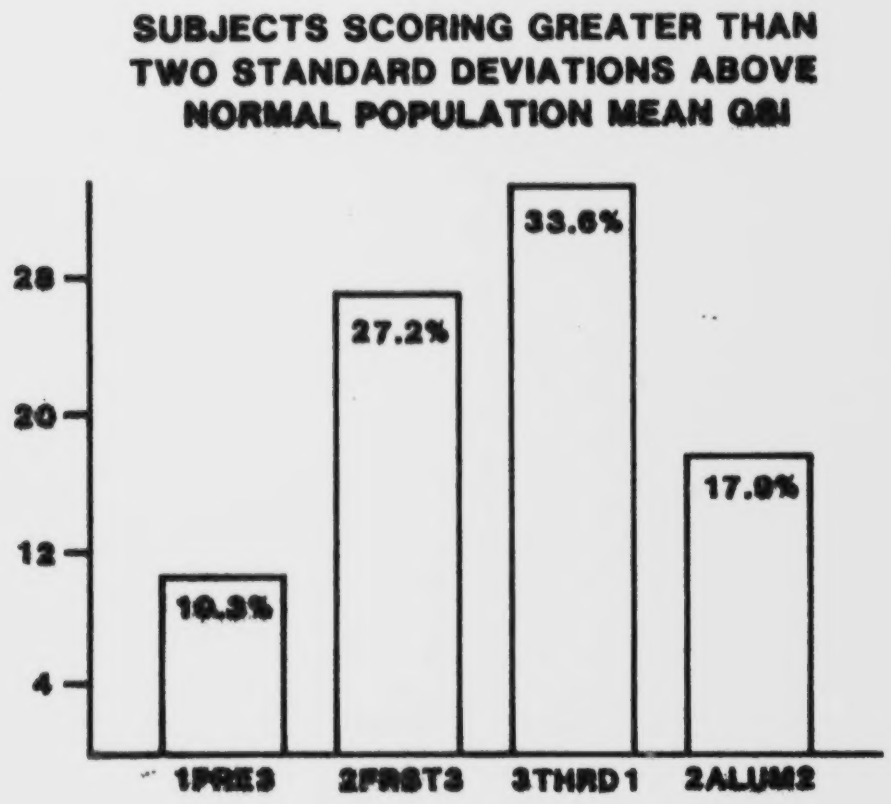

Figure 1

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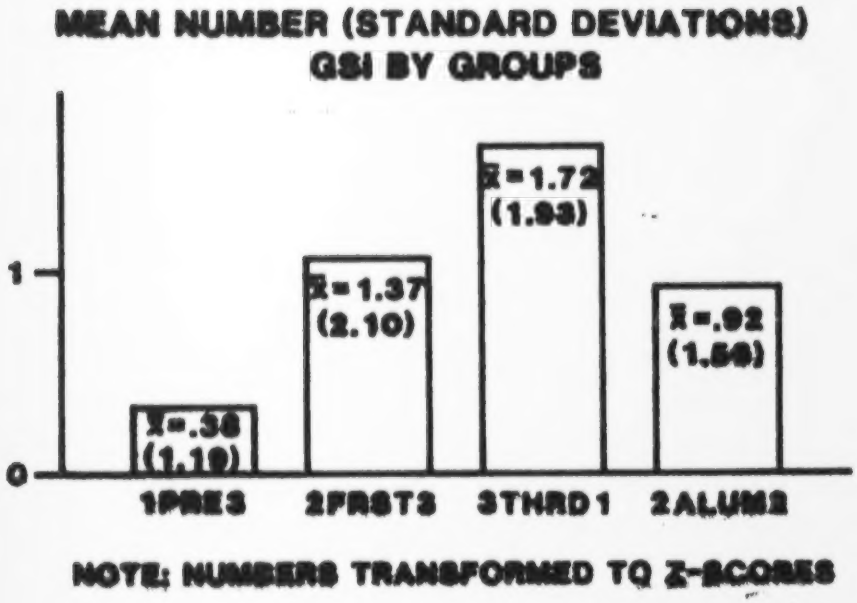

Figure 2

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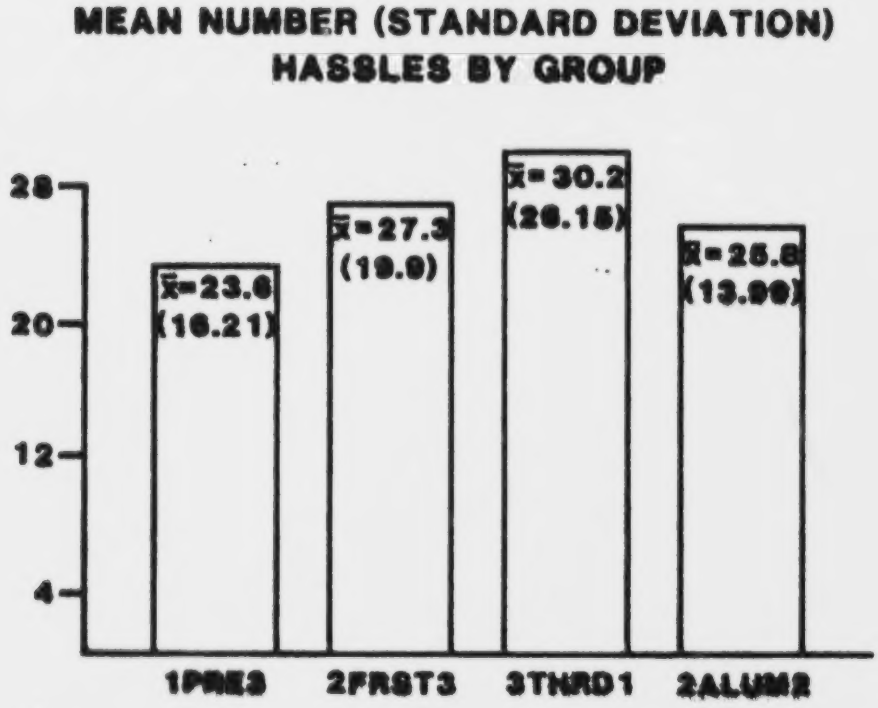

Figure 3

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